

# **IMMIGRATION AND HOMELESSNESS IN THE NEW SOUTH AFRICA**

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## **ABSTRACT**

The housing crisis in South Africa has received an enormous amount of attention from governments, NGOs and academics. One issue that has been virtually ignored, however, is housing for non-citizens - particularly poor, undocumented migrants from other parts of Africa who are arriving in the country in search of work and accommodation. This paper explores official government policy on the issue as well as ground-level attitudes of citizens and non-citizens. Although little has been done to address this potentially explosive issue, there are grounds for optimism for progressive policy development.

## **INTRODUCTION**

The provision of housing to the urban poor presents an enormous challenge to the new, post-apartheid South African government. With a housing backlog officially estimated at over three million units (growing by an estimated 178,000 units per year) -- and with an additional 720,000 units requiring significant upgrading to meet minimum standards of accommodation - it is easy to see why housing has been put at the top of the national government's list of reconstruction and development priorities (GSA 1994, 1995a; Mthembu-Mahanyele 1997).

Plans to have one million homes built by the year 2000 have proven to be elusive, however. Delays with local government restructuring, redlining by private banks, the soaring costs of building materials, fiscal restraints, and difficulties establishing effective forums for community participation in the planning process have meant serious delays in housing developments. Delays have been so serious that at the end of their first year in office the African National Congress (ANC) could report on no more than seven housing projects of any significance - three of which were still in the planning stages (Naidoo 1995, pp 28-9).

By the end of 1997 the situation had improved considerably, with the

Department of Housing claiming that over 700,000 housing subsidies had been approved by the provincial housing boards, and 450,000 state-financed homes were either built or under construction, but this is still far short of the pace anticipated by the government and in many cases little more than a concrete foundation has actually been built (Mthembi-Mahanyele, 1997; Mail and Guardian 1998).

The upshot of these delays has been growing dissatisfaction with housing policy and delivery in the townships and informal settlements of the country as hundreds of thousands of urban poor continue to live in the same conditions that they did under apartheid. Although the ANC enjoys widespread popularity amongst African voters, the housing question remains on the front burner of public concern, ready to boil over if significant headway is not made over the next few years.

Added to this concern is the question of housing for non-South Africans living in the country - particularly those from other parts of Africa who have entered the country without proper documentation, are poor, and who migrate to urban centres in search of work and accommodation. Current estimates of between 2.5 and 9 million undocumented migrants in the country are methodologically suspect and most likely wildly exaggerated (on this point see Brunk 1996; Crush 1997), but even if there are as few as 500,000 such migrants currently living in South Africa this places an important additional demand on affordable urban housing.

It is somewhat surprising, therefore, that so little attention has been paid to this question of housing for non-South African citizens in the otherwise very extensive and impressive literature on low-cost housing in the country. With the important exception of housing for contract migrant workers (Crush and James 1991, 1995; Ramphela 1993) there has been virtually nothing written on housing for non-South African citizens in any official South African government papers or in any academic journals.

Admittedly, South Africa's housing crisis for its own citizens is enormous - not to mention the myriad of other post-apartheid challenges facing the country - and South African policy makers, NGOs and academics can be forgiven for not having given this issue of migration and housing much thought to date. Nor is South Africa alone in this regard. An exhaustive search of the literature found nothing on the subject elsewhere in Africa, Asia or Latin America - despite the fact that countries like Zimbabwe, Uganda, India and Thailand have large

foreign migrant populations *and* severe housing crises for their own citizens. There is, of course, an enormous literature on rural/urban migration in the South, but this is all *internal* migration. There is also a growing UN literature on the rights of immigrants to housing (more on this below), but there would appear to be a real dearth of country-specific studies highlighting the legislative obstacles to housing for foreign migrants in countries in the South and documenting their experiences with safe and affordable shelter.

This dearth of literature is in direct contrast to the enormous amount of research on immigration and housing immigrant-receiving countries in the North. From Latin Americans in Maryland, USA (Cheney and Cheney 1997), to Russians in Israel (Lipshitz 1997), and elderly Turks in Denmark (Lewinter, Kemez and Gezgin 1996), access to all forms of housing by all types of (im)migrants has been documented and studied in great detail in North America, Europe, Australia and Japan (see also Bourassa 1994; Komai 1995; Culhane, Lee and Wachter 1996; Daly 1996; Pitkin *et al.* 1997). This is not to say that housing for immigrants has been dealt with satisfactorily in these countries as a result of all of this research, or that Northern countries should (or could) serve as examples of how to address the question fiscally or legislatively, but it does tell us that South Africa is not alone in tackling these very difficult policy questions.

Most importantly, the issue of housing for foreigners is not going to go away in South Africa and it is important that the South African government has a better understanding of the dynamics of the issue in order to deal with it in the future. The primary intent of this paper, therefore, is to put the issue of migration and housing on the table for discussion in South Africa and to provide some concrete, case study material on which to base the analysis. It should also be noted that this paper is part of a larger research initiative on cross-border migration being undertaken by the Southern African Migration Project (SAMP).<sup>1</sup> Cross-border migration is the subject of a heated debate in South Africa at the moment (Minaar and Hough 1996; Crush 1997; McDonald *et al.* 1998 ) and a wide range of issues related to South African immigration policy are currently being revamped (GSA 1997, 1998).

Within this context of change and controversy this paper attempts to understand what, if anything, the South African government is doing about housing for foreign-born Africans living in the country; and what the attitudes of South African citizens and non-citizens are on this issue of housing and what it could mean for housing and immigration policy in South Africa in the future. Two informal settlements<sup>2</sup> and one formal township<sup>3</sup> from the greater Cape

Town area served as case studies for the research and provide us with a concrete, albeit geographically limited, perspective on this very important and politically sensitive policy area.

The first major finding of the study is that there are no clear policies on access to housing for non-citizens in South Africa. There are policy documents, Constitutional clauses and international agreements which commit the South African government, in various ways, to “ensuring access to adequate housing for all persons living in the country”, but these commitments are often inconsistent with one another and even contradictory when it comes to defining *who* is entitled to housing.

The second major finding is that there would appear to a consistent 60/40 split in the attitudes of black<sup>4</sup> South Africans towards non-citizens, with 60% of the people interviewed responding negatively to questions of access to housing and other basic services for non-citizens and 40% responding positively or neutrally. Interestingly, there was a marked absence of xenophobic comments about foreigners, with those opposed to giving access to housing for non-citizens doing so for quite rational reasons. There were also no significant differences across age, gender, income or other important demographic variables amongst South African citizens when it came to opinions on migrants and housing, making it virtually impossible to develop any kind of attitudinal profile.

And finally, non-citizens themselves are extremely ambiguous on the whole question of access to housing and are uncertain about what the future holds for them in terms of long-term accommodation. Although most of the foreigners interviewed have had a very positive experience in South Africa, and at least half of those interviewed plan to stay in the country for an extended period of time, none have any long-term plans for housing.

The paper begins with a brief description of the communities surveyed and the methodologies employed. This is followed by a discussion of the legal and constitutional “rights” of non-citizens with respect to housing, with particular attention paid to the discrepancies in South African legislation and the confusion around who is entitled to buy a house and/or receive a housing subsidy in the country (recent developments within the United Nations Conference on Human Settlements<sup>5</sup> are provided as an international reference point). The paper then reviews the attitudes of citizens towards non-citizens on questions of access to housing and other basic services and documents the experiences of non-citizens with respect to housing in South Africa. The final section of the paper looks at

some of the policy implications stemming from the research.

## METHODOLOGY

The first community studied was Marconi Beam, an informal settlement of approximately 5700 people located in a quasi-industrial area in the northern suburbs of Cape Town approximately eight kilometers from the city centre (see Figure 1 for a map of the Cape Town metropolitan area in a South African and regional context; for an historical overview of Marconi Beam see Saff [1996]). Marconi Beam was chosen for the study by virtue of the fact that it is the site of one of the largest and highest profile housing projects for the urban poor in the Western Cape province with 1000 low-cost homes planned for community members on a vacant lot two kilometers south of the informal settlement (named *Joe Slovo Park* after the first ANC Housing Minister). At the time of interviewing (late 1996) only a handful of the new homes had been built but by mid-1998 all of the homes were complete (and occupied) with an additional 100 homes planned for development, making Joe Slovo Park one of the low-cost housing success stories of the province.

Fifty South African citizens from the community were interviewed, in Xhosa or Afrikaans, using a semi-structured survey. The interviewees were selected at random using aerial maps of the settlement and a random selection process in each household. This procedure provided a good balance of age, gender and other core demographics. All eleven members and employees of the Marconi Beam Development Trust (the community-based agency responsible for coordinating the housing project) were then interviewed - all of whom lived in Marconi Beam.

For interviews with non-citizens - many of whom were extremely reluctant at first to participate in the research for fear of being exposed to immigration authorities - it was necessary to develop a close rapport with several well-respected foreigners living in the settlement in order to establish some confidence and trust. Two were then trained to do the interviews (with the assistance of translators where necessary). Using this technique the entire foreign population in Marconi Beam was interviewed - a total of 46 people.

It should be noted that all of these non-citizens were men (as they were for the other community studied). Although this gender bias reflects the nature of cross-border migration into South Africa in general, women are increasingly traveling to and working in South Africa and are also in need of accommodation

(Dodson 1998). This paper may therefore miss some important gender dynamics with respect to housing for foreign migrants.

The second set of interviews were done in Imizamo Yethu (also known as Mizamoyethu, and commonly referred to as Mandela Park; for an historical overview of Imizamo Yethu see Oelofsa and Dodson [1997]), a slightly larger informal settlement of approximately 6000 people in the town of Hout Bay, approximately 20 kilometers from downtown Cape Town. This community was chosen for the study because of the large foreign population (variously estimated to be somewhere between 500 and 700 people) and a recent history of conflict in the settlement between citizens and non-citizens. A fight between a foreigner and citizen in early 1996 resulted in two people being stabbed and precipitated a much larger confrontation between about 1000 armed South African citizens from the community and 500 foreigners (Meter 1996). Two of the non-citizens were shot dead and four others were badly injured in the altercation. Eight to ten South African nationals were also injured.

There have been no further incidents of violence between foreigners and citizens in Imizamo Yethu since this incident, and relations between the two groups appear to have improved considerably, but as we shall see in this paper some tensions still exist. This tension is perhaps best illustrated by the fact that our research in the community had to be curtailed for over a month after someone went to the police claiming that our research assistant (a Namibian who had been living in the community for many years) was handing out applications for citizenship rather than doing interviews. Once the police were satisfied that the papers he was carrying were indeed only questionnaires for the research it was possible to continue with the interviews but another migrant research assistant had to be found and trained because the first person was too nervous to continue. It was also necessary to re-establish the confidence and trust of the migrant community who had become understandably leery of the whole process.

There is no existing housing project in Imizamo Yethu, but there are ongoing discussions between the civic leadership and the same NGO that is assisting Marconi Beam with its housing development, and a housing project will probably begin in that community in the near future. Imizamo Yethu has, however, been the site of substantial upgrading in the recent past, and although it is still very much a “squatter camp” in terms of the informal and temporary nature of the housing, there are curbed roads, flush toilets, and electricity

available to the majority of residents.

In terms of interviews, the same random selection procedures as Marconi Beam were used to interview 50 South African citizens. The five members of the civic leadership were interviewed separately, and snowball sampling techniques were used to interview 43 of the non-citizens living in the community (all of whom were men, once again).

The final set of interviews were conducted with 50 South African citizens chosen at random from the formal township of Gugulethu, located in Cape Town proper. Gugulethu is the second oldest township in the city, established in the 1940s, and is home to approximately 150,000 people (LGBD 1995). This township represents a much wider range of socio-economic and housing conditions than the two informal settlements (eg. large and small formal brick homes, migrant hostels, shacks), and was therefore chosen as a “control study” to look for any major discrepancies between the attitudes of citizens in a formal township and those in an informal settlement (of which none were found). It was decided not to interview non-citizens from this township, largely because of the lack of any obvious foreigner “community” living there and the difficulties associated with trying to establish a random selection of an unknown population in such a large area.

Tables 1, 2 and 3 provide a more detailed breakdown of the demographic profile of the people interviewed. Two points should be highlighted in particular. First, it is important to note that non-citizens have been living in the informal settlements almost as long as the citizens, and therefore have a claim of sorts to be considered part of the community. In Marconi Beam, the median arrival date for non-citizens (ie. the date on which 50% of those interviewed had arrived in the settlement) was February 1995 as opposed to January 1992 for citizens. This is a significant difference, to be sure, but not as big a difference as one might expect given the lack of participation in the housing project on the part of non-citizens. Moreover, 30% of the non-citizens interviewed have been living in Marconi Beam since before August of 1994 (the cut-off date for being eligible for one of the new houses). This is significantly lower than the 62% of citizens who were living in the community at that point, but it does mean that a large proportion of the foreign-born residents of Marconi Beam have a technical right to at least rent one of the new houses in Joe Slovo Park. In Imizamo Yethu the difference in arrival dates between citizens and non-citizens is even smaller, with the median for citizens being June 1993 and the median for non-citizens being October 1994.

Second, non-citizens living in the informal settlements have significantly higher personal incomes, personal assets, and bank accounts than their citizen counterparts in the same settlements (32%, 148% and 69% higher respectively). Non-citizens from Marconi Beam and Imizamo Yethu are also more likely to be employed and have fewer dependents than their citizen counterparts (in the informal settlements only), and many have significant asset holdings in their home country (one respondent indicated assets worth R150,000 [1 Rand = US\$0.16 as at July 30, 1998]).

It is important to note that income and asset holdings for non-citizens in the informal settlements are lower than those for citizens living in the formal township of Gugulethu (and with average incomes of only R1126/month, non-citizens are hardly living in the lap of luxury). Nevertheless, the income differences between the informal residents do suggest a significant gap in economic resources between citizens and non-citizens in those two communities.

The fact that these case studies are all from the Cape Town area is also important insofar as Cape Town is the furthest major city from South Africa's international borders and because it has its own peculiar apartheid history as a "coloured preference" area. It cannot be assumed, therefore, that these case studies are representative of the country as a whole when it comes to peoples' attitudes towards foreign migrants and housing. Nevertheless, Cape Town has increasingly become a major destination point for people from all over the world (the Cape Town Refugee Forum estimates that there are 10,000 refugees in the city alone), and judging from the wide geographic origins of the people interviewed for this research, the city attracts Africans from all corners of the continent.

## WHO HAS THE "RIGHT" TO HOUSING?

### *Constitutional Questions*

Perhaps the most fundamental point to make on the question of access to new housing in South Africa by non-citizens is that there is no clear government policy position on the issue. It is important, however, to distinguish between the right to *purchase* a home in South Africa and the right to access a *housing subsidy*. In the former case, anyone is allowed to purchase a home as long as they can finance it by private means (ie. cash or bank financing). For wealthy Europeans,



Asians, North Americans and a few wealthy Africans, this right to purchase property has allowed them to buy up relatively cheap luxury homes in the country. But for the majority of migrants from other parts of Africa, the purchase of a home in South Africa - even the tiny “matchboxes” that make up most of the new housing stock in the townships - is well beyond their personal financial means and private banks have been reluctant to loan to anyone in the townships, let alone foreigners with questionable legal status.

The more relevant housing issue, then, for the majority of non-citizens living in the country is access to housing subsidies - a financing scheme introduced by the national government in 1994 which provides up to R17,250 as a once-off grant to purchase a new home or to upgrade an existing dwelling (GSA 1995b). There are a number of criteria which determine eligibility and the size of the subsidy (eg. marital status, income), but the most important criteria for the discussion at hand is that subsidies are available only to “legal RSA residents” (GSA 1995b, Section 5.3.1).

The Department of Housing in Pretoria interprets “legal RSA resident” to refer strictly to South African “citizens” and “permanent residents” - even though this distinction is not stated anywhere in official housing subsidy documentation or in the department’s White Paper on Housing. According to one source, there was a debate in the national Department of Housing when the finance scheme was first being developed about whether to give other “legal” residents in the country access to housing funds, but in the end the current, more limited programme was eventually adopted (Walsh 1996).

More importantly, this limited interpretation of “legal RSA resident” has not been tested against the Constitution. Section 8.4 of the *Bill of Rights* grants the “Right to Housing” to all “juristic persons”, but does not distinguish between “person” and “citizen” - a problem of definition that plagues the entire South African Constitution and forms part of an ongoing constitutional debate in the country. Until this question of who the *Bill of Rights* applies to is resolved by the Supreme Court, it will be up to individual government departments and lower courts to determine their own criteria. In other words, there is no consistent interpretation of what a “juristic person” is in South Africa at the present time, and it is unclear when (and if) this issue will be resolved.

To make matters more confusing, South Africa is a member of the United Nations Conference on Human Settlements and a signatory to the *Habitat Agenda* signed in Istanbul in June of 1996. In signing the *Habitat Agenda*, the South African government committed itself to the “goal of improving living

and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities....in a manner fully consistent with human rights standards". Being "consistent with human rights standards" further commits the South African government to the "eradication of discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, *national or social origin*, property, birth or other status" (UNCHS 1996, Chapter 3, Sections 39-40, emphasis added).

Although no one seriously expects the South African government to provide housing to every person who enters the country regardless of their legal status or long term plans - as some recalcitrant member countries at the Istanbul Conference insisted that the "right to housing" clause might imply<sup>5</sup> - the wording of the UN document does commit the Government of South Africa to finding ways to ensure "equal access to affordable, adequate housing for all persons and their families" (UNCHS 1996, Section 8).

### ***Interpretations on the Ground***

This confusion over the right to housing and housing subsidies is evident at the community level as well. When asked whether they thought "non-South Africans were eligible to *buy a house* in a new housing project", only 12% of the South African citizens interviewed correctly answered that "yes" they are eligible (40% thought that they were "not eligible" and 48% were "unsure"). Civic leaders were more informed on this point with half of the 16 people interviewed answering the question correctly, but 8 of the 11 members and employees of the Marconi Beam Development Trust - the group responsible for allocating the new homes in Marconi Beam - incorrectly stated that non-citizens are "not" allowed to buy a house in South Africa, raising some troubling questions about whether access to the new houses in that community is being handled fairly.

On the question of housing subsidies, there was even more confusion and misinformation. When citizens were asked whether "foreigners are eligible for a *housing subsidy*", 48% of the respondents were "unsure" and 40% said "no". Of those that said "no", most simply argued that foreigners are "not citizens" or that new houses are for "people from the community". Very few respondents made the distinction between foreigners with legal status and those without.

Civic leaders were somewhat more knowledgeable on this issue of housing subsidies for non-citizens, but they showed little interest in finding out how to assist foreigners in this regard. In the case of Marconi Beam, where the Development Trust has played a key role in assisting citizens with the subsidy programme, nothing has been done to inform or advise non-citizens about possible financial assistance - even though it is well known that non-citizens of various legal standing are living in the community and in need of better housing.

From the perspective of the non-citizens themselves the situation is not much different. When asked whether they thought “foreigners are eligible to *buy a house* in a new housing project”, only 20% correctly said “yes” (30% said “no” and 50% were “unsure”). The predominant reason cited for not being able to purchase a home was citizenship, but as we know from the discussion above, anyone is entitled to buy a home in the country if they can finance it themselves.

There is an additional restriction on buying one of the homes in the housing project in Marconi Beam - one must be living in a shack that was registered with the Development Trust as of August, 1994 - but the majority of the non-citizens interviewed were either living in the community at that time and/or are now the “owners” of a shack that is registered with the Development Trust.<sup>6</sup>

When it came to the question of *housing subsidies*, non-citizens were even more uncertain about their status with 65% of the respondents saying they were “unsure” if they were eligible, most of whom said that they “do not know the criteria” for eligibility. As a result, only 5% of the non-citizens interviewed have actually applied for a housing subsidy, compared to 32% of the citizens. In Marconi Beam, the difference is even more pronounced, with 76% of citizens having applied for a subsidy and only 4% of non-citizens.

### **ATTITUDES TOWARDS NON-CITIZENS**

Legal questions of access to housing aside, it is also important to understand the general attitudes of South African citizens towards non-citizens and how these attitudes shape the ways in which foreigners are able - or unable - to access housing in poor, urban communities. Citizens were therefore asked a series of questions about foreigners to which there are no “right” or “wrong” answers - only opinions.

#### ***A 60/40 Split?***

One of the most striking features of the interviews with citizens is what will be

referred to here as a “60/40 split” in attitudes towards non-citizens. Although the actual statistics vary from question to question (see examples below), and this ratio should be seen more as an analytical device rather than a precise definition of attitudes, there was nevertheless a general trend across all three of the communities studied for approximately 60% of the respondents to respond negatively towards foreigners and approximately 40% to be either sympathetic, moderate or indifferent/uncertain in their attitudes. There was also a high degree of correlation amongst the different questions - i.e. if people responded negatively towards non-citizens in one question they tended to respond negatively in all of the questions, and vice versa.

This 60/40 split was most evident on the two questions directly related to whether non-citizens “should be” eligible for housing benefits:

	No	Yes	Unsure
Do you think foreigners should be eligible to buy a house in a housing project?	57%	35%	7%
Do you think foreigners should be eligible for a housing subsidy?	61%	30%	9%

For the most part, those who responded “no” simply said that foreigners are “not citizens” and therefore should not benefit from the housing programme because “there won’t be enough for us”. Those who responded “yes” were split between the economic rationale of saying that non-citizens can have houses “but only if they can afford to pay for it themselves” and a more humanitarian response which said that “they are also African”, “they helped us in the struggle”, and “everyone needs access to a house”.

### Immigration and Homelessness in the New South Africa

Other questions where citizens took a largely negative attitude towards non-citizens were as follows:

<b>Which of the following statements do you think best describes foreigners living in your community?</b>	
Foreigners are very lazy and unwilling to work	0%
Foreigners do work, but they take jobs away from people in the community	74%
Foreigners work very hard and deserve the jobs they get	24%
Foreigners create jobs <sup>7</sup>	2%

<b>What do you think the government should do about foreigners living in your community?</b>	
Send them all back to their countries	68%
Send back only those who are not contributing to the economic well-being of the community	2%
Send back only those who have committed a serious criminal offence	0%
Send back only those without the permission of the SA government to be here	4%
Let them stay	26%

	<b>Strongly dislike</b>	<b>Dislike</b>	<b>Unsure</b>	<b>Like</b>	<b>Like very much</b>
Do you like having foreigners living in your community?	23%	26%	13%	31%	7%

	No	Yes	Unsure
Do you think the government should continue to allow foreigners from other African countries into South Africa?	60%	35%	5%

It should be noted that these are not just speculative answers from the respondents. Ninety-five percent of the citizens interviewed said that they “know foreigners living in their communities”, and 73% said that they interact with non-citizens “often” or “very often” (in Marconi Beam and Imizamo Yethu 100% of respondents answered this way). In other words, the interviewees, particularly in the informal settlements, were not responding to some hypothetical situation or unknown group of people; the presence of non-citizens in their communities is a very real and very concrete phenomenon.

Equally important to note is that there was virtually no difference in this 60/40 split in demographic terms. Women were slightly more negative towards non-citizens than men when asked whether they “like having foreigners living in [their] community” (55% of women said “dislike” or “strongly dislike” as opposed to only 42% of men), and people who identified themselves as having grown up in a rural area were slightly more negative in their response to the same question than people from urban areas, but these differences were relatively minor and did not apply to all of the questions. Similarly, the civic leaders interviewed fell into the same general 60/40 ratio as the rest of the citizens, with a majority of those interviewed taking a negative view towards non-citizens.

Overall, then, there were no really significant differences in this 60/40 split across age, gender, education, employment status, income levels or asset holdings, making it virtually impossible to build a demographic profile of who might be more negative and who might be more positive towards foreign-born residents. Even the intuitive assumption that the most marginalized of citizens would be more negative towards foreigners because they have the most to lose in terms of competition for scarce material resources does not bear itself out in the interviews. The group that responded most positively towards non-citizens actually had slightly lower incomes, lower assets, more members per household, more dependents and lower rates of employment (ie. they were poorer). This apparent irony is all the more evident when one considers that the women

interviewed had significantly lower rates of employment, lower incomes and asset holdings than men, and were half as likely to have a bank account, but held the same general views about non-citizens as men.

It should also be noted that the same kind of attitudinal trends have emerged in a national survey of South African citizens that looked more generally at attitudes towards foreigners from other parts of Africa (Taylor *et al.* 1998). Analysis of this data suggests two interesting trends: first, that the majority of South Africans respond negatively to the presence of foreigners in their country, but that 30-40% of respondents respond positively or neutrally; and second, that black South Africans (Africans in particular) are more sympathetic to the basic housing and services needs of foreigners than their white counterparts.

### ***How negative is negative?***

To the extent that there are a majority of people who responded negatively towards non-citizens on issues of access to housing, it is difficult to say how “deep” this negativity is. Certainly there are tensions in each of the communities between non-citizens and citizens (Imizamo Yethu being the most dramatic case), and certainly there were some extremely xenophobic comments made about non-citizens during the interviews (eg. “you can’t trust them”, “they bring diseases to the country”, “they are too dark”), but these prejudices were not as prevalent as one might have expected from anecdotal reports about attitudes towards foreigners in the popular press in South Africa.

In fact, inflammatory comments about non-citizens were very definitely in the minority. Most of the reasons given for not wanting foreigners in the country, or for not wanting foreign-born Africans to have access to housing, were couched in much more rational terms - eg. “there won’t be enough houses for everyone”, “they are not citizens”, “they have not lived here long enough”, and “we would not be given houses in their country”.

There was also a remarkably high degree of agreement in all three communities about access to other basic services for non-citizens. When asked whether they thought foreigners “should be eligible for basic services like water, electricity and refuse removal”, 75% of respondents said “yes” - with the majority of people arguing that “everyone needs these basic services”. Only 21% of respondents said “no” while 4% said “unsure”. This overwhelmingly positive response suggests that most residents in the communities studied are sympathetic to the position that non-citizens find themselves with respect to

poverty. Moreover, it would appear that “public” goods like water and electricity are perceived in a fundamentally different way than “private” goods like housing and there may need to be a different policy approach taken with respect to these two different consumption arenas.

### **WHAT NON-CITIZENS HAVE TO SAY**

As noted at the outset, interviewing non-citizens in the three communities was much more difficult than interviewing citizens. Not only were many of the foreigners extremely apprehensive about being interviewed because of their lack of legal status in the country, many were also not proficient in any of the major languages of the Cape Town area (Xhosa, English and Afrikaans).

However, once a solid rapport had been developed between ourselves, the foreign research assistants and the foreign communities, the interviews went very smoothly and the interviewees were remarkably candid in their responses, providing detailed information on such sensitive issues as their legal status, their incomes and assets, their personal experiences in South Africa, and their plans for the future.

### ***Positive experiences in South Africa***

The most striking feature of the interviews with non-citizens was that the overwhelming majority of respondents have had very positive experiences in the country and most are extremely optimistic about the future. Even in Imizamo Yethu, with the unpleasant episodes of violent conflict between citizens and non-citizens still in recent memory, 98% of the respondents said that they “like” or “strongly like” living in South Africa, and 98% said they “like” or “strongly like” living in Imizamo Yethu. Similar results were found in Marconi Beam.

There was less agreement between the two informal settlements when non-citizens were asked “How have you been treated by people in your community” with 25% of respondents from Imizamo Yethu saying “poorly” or “very poorly” and only 2% of respondents from Marconi Beam answering in this way - but only 1% of the respondents went as far as to say that South African citizens “do not like foreigners”, and 68% of respondents said that the attitudes of South Africans towards foreigners is “getting better” (20% said attitudes are “the same”, 11% said unsure, and only 1% said “getting worse”). In Imizamo Yethu, 86% said that attitudes are “getting better”.



As with the citizen interviews, these “opinions” were not based on mere speculation. All of the non-citizens interviewed said they interact with citizens on a regular basis and 93% said they interact “often” or “very often” - with the most important venues for interaction being sports (70% of respondents citing this as an example), work (50%), shops (51%) and shebeens (50%).

Further evidence of optimism amongst non-citizens can be found in their overwhelmingly positive response to questions about change in South Africa and their prospects for the future. Interestingly, non-citizens are slightly less optimistic than citizens about the future but they are more approving of efforts to upgrade urban areas and democratize the country:

Are you happy with efforts to upgrade this community?	Non-citizens	Citizens
Extremely unhappy	0%	5%
Somewhat unhappy	5	15
Unsure	14	10
Fairly happy	24	23
Very happy	57	46

Are you happy with the RDP?	Non-citizens	Citizens
Extremely unhappy	0%	5%
Somewhat unhappy	7	20
Unsure	19	14
Fairly happy	20	20
Very happy	54	41

Are you happy with changes taking place in SA overall?	Non-citizen	Citizens
Extremely unhappy	2%	5%
Somewhat unhappy	10	12
Unsure	5	9
Fairly happy	16	20
Very happy	67	54

Are you optimistic about your/your family's future in SA?	Non-citizens	Citizens
Very pessimistic	7%	0%
Somewhat pessimistic	5	0
Unsure	6	14
Somewhat optimistic	20	15
Very optimistic	62	71

### ***Ambiguity with respect to housing***

It is really only on questions of housing that non-citizens were apprehensive about their future in South Africa. In Marconi Beam, 75% of the non-citizens interviewed were “unsure” if they would be moving into a house in the new housing development, despite the fact that many of them are technically entitled to purchase or rent one of the new homes by virtue of their arrival date in the community, their “ownership” of a shack with a number on it assigned by the Marconi Beam Development Trust, or their status as a permanent resident or citizen of South Africa.

So strong was this ambiguity over access to housing that 42% of these non-citizens replied “unsure” when asked if foreigners “should be eligible for a

housing subsidy” and 32% responded “unsure” when asked if foreigners “should be allowed to buy a house in a new housing development”, despite the fact that everyone interviewed expressed a keen desire to improve their material living conditions. In other words, all of the non-citizens in Marconi Beam want to have a safe and secure place to live, and many are entitled to move into Joe Slovo Park, but they are very confused and unsure about their status with respect to housing in the country.

Non-citizens are also unsure about how they are perceived by South Africans. When asked if they thought whether “South African citizens would like to see you get a house in a new housing development”, non-citizens from both communities did not really know how to respond, with 42% saying “some would” and 42% saying “unsure”. Only 16% responded “yes”. It is interesting to note, however, that none of the non-citizens said “no” to the question - suggesting that these non-citizens do not feel completely alienated from their respective communities.

It should also be noted that 80% of the non-citizens interviewed in Marconi Beam have never been to one of the regularly held (and well attended) community meetings for the new housing project in that settlement. Of the 20% who have attended a meeting, only two-thirds said that they have ever participated in the discussions.

### ***Future plans***

For the most part, the non-citizens interviewed appear to be taking a “wait and see” approach to housing in South Africa. In Imizamo Yethu, 91% of respondents said they would like to see a housing project in the community and 63% said they would stay in the community if there were a housing project. Interestingly, no one said that they plan to leave Imizamo Yethu; they will either build a new shack in the community (28%), stay as they are (7%), build a formal house (42%), or wait for a housing subsidy (12%). The additional 19% of respondents could not say what their plans are.

In the case of Marconi Beam, where the current informal settlement is scheduled to be leveled to make way for an industrial site once the new housing development is complete, non-citizens will have to move to another part of the city if they do not get access to one of the new homes. When asked what they would they would do if this happened, these respondents had very little in the way of concrete plans beyond “finding some accommodation elsewhere”.<sup>9</sup>

Some of this uncertainty about future housing plans can be attributed to the fact that 34% of respondents said that they intend to return to their home countries at some point and did not express a strong desire to build a permanent dwelling, but even the majority of the 51% who intend to stay in South Africa for an extended period of time are simply going to “build a new shack”, “stay as is”, or are “unsure” about their plans. Very few said that they intend to build a permanent dwelling - despite the fact that 44% of respondents have already applied for permanent residence in the country.

In summary, then, a majority of the non-citizens interviewed for this research would appear to have long-term plans to stay in South Africa but very few have any long-term plans for housing. This is not to suggest that the majority of non-citizens living in SA intend to stay in South Africa on a permanent basis - other research would indicate that the majority of non-citizens in South Africa are in fact in the country on a temporary basis (Crush 1997; McDonald *et al.* 1998) - but these case studies do highlight the fact that many of the non-South Africans living in the country have no real hope or plans for housing in the future.

## **POLICY RECOMMENDATIONS**

It is not the intent of this paper to make specific recommendations on housing and immigration policy or to adopt a particular policy position; there is much more work to be done on this issue before specific policy guidelines can be developed for consideration. It is possible, however, to make some general observations and to highlight some key areas for policy reform.

### ***The need for a housing policy for non-citizens***

The most important conclusion to be drawn from this research is the need for a clear and unambiguous housing policy for non-citizens living in South Africa. The definition of a “juristic person” must be openly defined in Housing Department literature and must be consistent with the *Bill of Rights* and other national and international commitments of the South African government. Moreover, these policy guidelines need to be well advertised at all levels of government. It is one thing to have a policy in place at a national level; it is quite another to have it understood and implemented at a local level.

Ultimately, these policy changes will require some degree of collaboration between the Department of Home Affairs, the Housing

Department, and the Supreme Court, making the prospect of far-reaching policy changes in the near future unlikely. In the interim, the Housing Department can clarify its own position on access to housing for those who do not have citizenship or permanent residency and/or initiate a policy debate on the issue.

The extent to which the South African public is ready for a housing policy that defines the status of non-citizens with respect to housing is difficult to say for sure, but the results of these interviews would suggest that the reaction of the urban poor to foreigners is not as uniformly negative or as xenophobic as one might suspect from anecdotal reports in the popular press in South Africa.

If anyone has a right to be anxious about the presence of foreigners in South Africa it is the urban poor. They have the most to lose - in material terms - from the increased competition for scarce urban resources and are understandably concerned about what this increased foreign presence means for their own survival. It is all the more impressive, therefore, how little outright hostility was evident in the interviews and how many of the citizens interviewed were actually accepting of the non-citizens living in their communities and willing to share in the very limited gains available to them in the new South Africa. One would not want to conclude from these three case studies that these sentiments are true of all informal settlements and townships in the country, but they certainly challenge the popularly-held notion that xenophobia is rampant amongst all South Africans and that citizens are unwilling to tolerate any form of liberalization of immigration (and housing) policies.

### ***The need for a housing finance scheme for non-citizens***

The Government of South Africa must also decide whether it wants to *financially* assist non-citizens with the purchase of a home. As noted earlier, giving someone the “right” to buy a home is often not enough. It is access to sufficient finances that is the biggest housing concern for most people in South Africa - citizens and non-citizens alike.

Given the extremely tight fiscal climate in South Africa it is very unlikely that significant amounts of government funds are going to be made available for housing subsidies for non-citizens when it is already difficult to provide an acceptable level of publically financed housing subsidies to South African citizens. It may be possible, however, to develop alternative financing schemes which combine public and private financing options in order to assist those non-citizens who are not eligible for current housing grants. Although it is beyond the scope of this paper to discuss what these finance schemes might look like,

there may be lessons to be learned from public/private financing options offered in other countries for immigrants who are buying homes (eg. Fannie Mae Foundation 1996a,b).

Part of the problem with a policy decision of this nature is the lack of data on (im)migration to South African cities. More information is needed on the number of (im)migrants in urban areas, their legal status and their plans with respect to housing if policy makers are going to be able to make rational decisions on housing finance schemes. In the interim, it is important not to blindly accept the rhetoric that non-citizens are merely a financial burden on the state or that the government has no role in financially assisting non-citizens with housing. As recent research in the United States has demonstrated, foreign-born residents can play an extremely important role in the housing market and can, in the medium to long run, contribute enormously to the economy of their host country via housing consumption and taxation (Pitkin, *et al.* 1997).

### ***Local politics and the problem of “gatekeeping”***

The third major conclusion to be drawn from these case studies is that immigration policy has a local dimension and must be understood - and monitored - at the community level. This is particularly true of housing and other basic municipal services where local governments and other local players play an extremely important role in deciding how and where these urban resources will be allocated in the new South Africa (GSA 1993). Provincial governments play a key role by way of the Provincial Housing Boards (which make final decisions about granting housing subsidies), but it is at the community level and the municipal level that most housing and service projects are initiated and implemented. Hence the focus in this research on community level actors.

The point being made here is a simple one: Local governments and community representatives can act as “gatekeepers” of a sort when it comes to housing developments and they may deny non-citizens access to housing and other basic services despite policies at a national level. This kind of gatekeeping role is not restricted to housing, nor is it unique to South African politics (Daly 1996), but it does illustrate how politics at the local level can undermine policy initiatives at the national level - both in terms of housing and immigration reform.

In the cases of Marconi Beam and Imizamo Yethu, civic leaders were slightly more liberal in their attitudes towards foreigners than their compatriots, but there were still a significant number of civic leaders who did not think that foreigners should have access to housing and there was surprisingly little understanding of the “rights” of foreign-born residents with respect to housing. This is not to suggest that these community leaders would *intentionally* deny access to housing and other services for non-citizens - these same people eagerly supported our research and assisted with our access to foreigners in the community, after all - but it does highlight the need to better understand the local dynamics of housing delivery and the important influence of local politics on the daily lives of non-South Africans living in the country.

One would also want to have a better understanding of the role that municipal bureaucrats and local government politicians play in determining access to housing and municipal services for non-citizens. Most of the former are apartheid-era civil servants who were guaranteed their jobs for the duration of the post-apartheid transition period, while the latter are a mixed bag of new and old politicians still battling over the redistribution of municipal resources, making it unlikely that either group would take a particularly proactive role in tackling this issue of access to housing and services for non-citizens, but they will nevertheless continue to have an important hand in determining how and if resources are made available at the local level.

## CONCLUSION

In conclusion, it is important that the South African government review its housing policies with respect to non-citizens - particularly those non-citizens from other parts of Africa. The South African government has committed itself in principle to a policy of basic human rights (of which adequate shelter is a fundamental part) and there would be appear to be some degree of acceptance on the part of South African informal and township residents to acknowledge the rights of non-citizens in this regard.

This is not to suggest that developing a housing policy for immigrants and migrants will be a smooth or non-controversial process; far from it. Policy makers will need to fully understand the fiscal implications of any new housing strategy and the impact it could have on access to housing for South African citizens. One must also be cognizant of the potential for xenophobic and/or

anti-foreigner sentiment to manipulate policy development and public response.

Nevertheless, the issue of housing for non-citizens cannot be wished away. If the South African government is serious about basic human rights for all “persons”, and remains committed to immigration policy reform, then it is incumbent to open a dialogue on this controversial, yet extremely important, policy topic.

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**ENDNOTES**

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1. A detailed summary of SAMP and list of publications can be found at [www.queensu.ca/samp](http://www.queensu.ca/samp)
2. The term “informal settlement” or “squatter camp” is used here to describe housing that is built without formal authorization and generally initiated by the dwellers themselves. These settlements tend to be set up on open, peri-urban land in South Africa, and are characterized by a high percentage of owner occupiers. The settlements generally lack any major infrastructure and the houses are made of makeshift building materials, reflecting the low income levels of the population. Nevertheless, informal settlements in South Africa encompass a wide range of physical qualities, location and degrees of recognition by authorities (Lohnert 1997).
3. The term “formal township” refers to urban areas that were designated as living areas for those classified as Asian, coloured or African under the apartheid system. Since the dismantling of these racial laws in the early 1990s there have been no formal restrictions on where people can live in South African cities, but the economic legacies of apartheid are such that most township residents are unable to afford a home in the better serviced parts of the urban areas. Conditions vary widely in the townships, but are generally characterized by poorly constructed single and row housing, low rise migrant-worker hostels, and backyard shacks. Most townships remain woefully under-serviced and the African townships in particular are in desperate need of basic upgrading.
4. Following the most common use of racial terminology in South Africa, the term “black” is used in this paper to refer to Asians, coloureds and Africans collectively.
5. The United States was the main opponent to the “rights to housing” clause, objecting to its inclusion in the final preparatory meetings in New York City in February of 1996 and then seriously delaying proceedings at the actual Conference itself in Istanbul (Griffin and Lowe Morna 1996; Shafqat Kakakhel 1996).
6. The shack numbering system is somewhat problematic, however, given the fact that numerous fires - some of which have destroyed over a hundred shacks at a time - have resulted in the need to renumber the shacks several times since August of 1994. There have also been different numbering systems devised by the NGO working in the community and by a team of researchers from the University of Cape Town, further contributing to the confusion over number assignments. Nevertheless, 30% of the non-citizens interviewed were living in Marconi Beam prior to August of 1994 and most of

the others are living in a shack that has a number assigned to it, making them technically entitled to be considered for one of the new homes.

7. It is interesting to note the very low percentage of people who feel that non-citizens “create jobs” in South Africa. Recent research on micro-enterprises in the Johannesburg area by Rogerson (1997) has in fact indicated that non-citizens are an important part of job creation in the inner-city areas and an important part of the economic and social regeneration of the city.

8. The Reconstruction and Development Programme (RDP) is the name of the government’s major policy platform for poverty alleviation and other post-apartheid reforms. Although this programme has been superceded by other policy initiatives, the term “RDP” continues to serve as proxy for all upgrading initiatives.

9. It is also interesting to note that 57% of the non-citizens interviewed in Marconi Beam said that they had South African partners who were eligible for one of the new houses in Joe Slovo Park and 53% have partners who are eligible for a housing subsidy. Many of these men also indicated that they hoped to move with their partners to one of the new homes.